

SCOTTISH DEVELOPMENT DEPARTMENT

Reorganisation of Local Government in Scotland

First Report



EDINBURGH

HER MAJESTY'S STATIONERY OFFICE

1964

PRICE 1s 3d. NET

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First Report

INTRODUCTION

1. Following the meeting which the Secretary of State held with the local authority associations on 25th October 1963 it was agreed to appoint a Steering Committee of elected members and a Working Party of officials both with terms of reference "to consider the structure of Scottish local government and to suggest what reorganisation is desirable, having regard to the White Paper (Cmnd. 2067)".

2. The Steering Committee have considered a first report by the Working Party dealing with structure and functions. The Steering Committee have agreed that this report should be accepted as a basis for further consideration, and published; that the Working Party should proceed to examine the delineation of areas which would be required if the structure recommended in the report were to be put into effect, and to report on this and other matters; and that the recommendations in the first report should be subject to further examination in the light of these developments.

3. The members of the Steering Committee who had been nominated by the District Councils Association wished to record that, in their view, an entirely fresh approach should be made to the whole subject when the report of the Allen Committee on the impact of rates on householders was available.

REPORT

1. We realised at the outset that we had an unprecedented opportunity to take a fresh look at the structure of local government in Scotland without any restriction on the subjects to be discussed. We have tried to make the best use of this opportunity by looking at each problem in as broad a context as possible. No one underrates the difficulties inherent in any proposal for reform, and while we cannot claim that we have reached a unanimous view on all the questions covered in this report we have tried throughout to represent the general consensus of opinion.

2. The questions to be examined affect all aspects of local government—electoral, administrative and financial—and we gave much thought to the pattern which our studies should follow. We decided that the most rational sequence was to consider first the general principles on which the structure of local government should be based in order to take account of modern conditions and the form required to give effect to these principles. The next problem is the allocation of functions in accordance with the new structure. When the Steering Committee have considered our recommendations on these matters, we will then be able, in the light of their views, to examine in detail the appropriate areas for the new system—seeking information as necessary from the existing authorities. At a later stage we can go on to consider the remaining questions which, although of great importance, cannot usefully be examined until decisions have been taken on structure, functions and boundaries. Until all these studies are complete the conclusions in this report must be regarded as provisional.

3. No system of local government will work satisfactorily unless individual authorities have adequate financial resources and unless the burden of local expenditure is spread equitably. We recognise that many authorities consider that a review of local government finance is at least as imperative as an examination of structure.

4. Throughout the deliberations which have led to this report, we have had very much in mind the financial implications of the structure which we recommend. We would propose, however, to return in more detail to the effect of our proposals on local government finance when the report of the Allen Committee is published. We understand that the Allen Committee is likely to produce more informative data on the impact of rates on individual households than has been available before. We also consider that an examination of the Allen Report in relation to such proposals on structure as may be approved by the Steering Committee will be of the greatest significance during the forthcoming review of the financial relationship between central and local government.

General Principles

5. We have not considered ourselves to be governed by the general principles set out in the White Paper, but we recognise that the Government's enunciation of these principles was the immediate occasion for the appointment of the Working Party. We are aware too that, while the White Paper, not surprisingly, gave rise to criticism in detail, there is a fairly general view that a structure

which has lasted for thirty years should now be looked at again to take account of the many changes which have taken place during that period.

6. We have taken account of the trend which is apparent in a number of recent authoritative reports on local government services; for example, the report of the Royal Commission on the police, the Scottish Water Advisory Committee's report on the water service in Central Scotland, the report by Professor Buchanan on traffic in towns, the Government's White Paper on Central Scotland, and the report by the Scottish Advisory Council on Child Care on staffing of local authority children's departments. There is one discernible strand common to all these reports. For certain of the major local authority services it is essential to have a streamlined, effective unit of local government, possibly covering a wider area than is covered by individual local authorities at present, in order to make the best use both of manpower and of the latest types of equipment, to carry out the economic development of the country at the pace which is now necessary, and to provide local authority services on the scale and to the standard which ratepayers now expect. There is accordingly a steady climate of authoritative opinion which favours larger authorities for some of the major services and which contemplates a substantial reduction in the number of existing authorities.

7. Some of our members have suggested that the most rational and workmanlike solution would be to provide for, say, 15-20 new all-purpose authorities which would be responsible not only for the major services but for all local authority functions. The proposal to form a single tier of all-purpose local authorities enjoying equality of status and responsible for the whole range of local government functions within their respective areas has its attractions. The system would be a simple one which could be easily comprehended by the public since the point of contact would be confined to a single local authority. It would also simplify administrative arrangements between central and local government and would eliminate the difficulties in allocating different functions to different types of authority. It would greatly reduce the possibility of demarcation disputes and there would be no confusion as to which authority was responsible for a particular function. There would be a single rating authority in each area and authorities of this size would be able to offer improved prospects in recruiting and retaining staff.

8. The objections to a single tier of a relatively small number of comprehensive authorities are, however, formidable both in principle and in practice. An all-purpose system has proved to be an effective and acceptable form of local government in the four counties of cities, but the same conditions do not apply throughout Scotland. The all-purpose theory postulates a densely populated area with a network of communications concentrating in the city and an identifiable community of interest among the inhabitants. The requirements and problems of large areas outside the four cities are, in our view, seldom sufficiently uniform to justify the creation of a single authority providing all local authority services, including those of a highly local and personal nature. Nor would a single authority of the kind envisaged provide a suitable means of meeting the aspirations of those who wish to participate in local government at the burghal or district level. It would also be hard to find councillors able to devote sufficient time to attend to the business of an authority which had to carry out all local government functions over an area with many disparate characteristics.

9. In practice, the all-purpose authority would probably have to operate by means of subordinate area committees or by extensive delegation. This would require the preparation of an administrative scheme of a complexity likely to outweigh the simplicity of the concept of a single authority. The subordinate organisations which would be needed for many local services would not have any direct responsibility to the ratepayers. It would be very doubtful wisdom to set up an authority which, from the start, could not carry out its own functions but had to proceed at once to delegate many of them to other bodies. We cannot believe that the existing burghs, for example, would be satisfied with a situation in which they derived their authority not from statute but from a superior local authority. For these reasons our general view is that the proposal to set up a single tier of all-purpose authorities is not, despite the attractions already mentioned, to be recommended.

10. While accepting the principle which has been exemplified in recent Reports—and in proposals which have been made from time to time for various forms of regionalisation—that certain of the major services can best be exercised by authorities operating over a wider area than those of most existing authorities, it appears to us that a distinction can be drawn between national and local services. The dividing line should be between those services which concern the nation as a whole, but which are administered as a deliberate act of national policy through local authorities, and those services which affect solely or mainly the localities for which they are provided. In our view this distinction points to a two-tier system on the lines developed in the following paragraphs. This system would also be in keeping with the general proposition, to which we attach much importance, that services should be administered on the most local scale consistent with technical requirements and the community's needs.

11. The exact demarcation of the areas which would be administered by the two tiers has been reserved for later consideration when we have obtained the views of the Steering Committee on our general proposals regarding structure. It would not be logical to attempt to draw boundaries before we had a reasonably firm view as to the functions to be carried out by the two tiers within these boundaries. Since, however, our conclusions on functions will depend on the size and resources of the two tiers these will require further scrutiny when the boundary pattern becomes apparent.

12. The first tier—to undertake the major services—should, we think, be based broadly on existing county areas, amalgamated or altered where this appears desirable. Examples of this kind of amalgamation are already to be found in the widespread use of joint committees.

13. The allocation of services which we suggest is described in more detail in the subsequent sections of this report. It is clear, however, that there will be an important range of services which should be administered more locally and by authorities covering a smaller area than is envisaged for the first tier. The pattern we have in mind is this. Within the area covered by each first tier authority, there should be a number of second tier authorities which would be responsible for all the local functions in their areas. The second tier authorities—meanwhile provisionally called burgh or rural councils as appropriate—would be an innovation in Scottish local government. The areas to be administered by the new authorities can be exemplified in the following ways, viz., (a) from a combination of the area of an existing burgh with the adjacent landward area; or (b) from a grouping of burghs together with the landward area in their vicinity;

or (c) from that part of a landward area which is in itself sufficiently populous to support a separate authority. The pattern need not be uniform and would be adapted to meet the varying characteristics of different areas. For example, large burghs and some of the small burghs would form the nucleus of a burgh council area; some of the smaller counties comprising landward area and a number of small burghs might be appropriate for a rural council area; and, in the congested areas of Central Scotland, part of a landward area might be appropriate for a burgh council.

14. We think that there are three telling arguments in favour of this solution. First, the distinction and the boundaries between burghs and the surrounding landward area is somewhat artificial. Secondly, the landward area near to a burgh has possibly much more in common with the burgh than with other parts of the landward area which may be far distant. Thirdly, this solution would minimise the circumstances in which boundary disputes can arise and would recognise the main centres of population as the appropriate centres of their surrounding areas.

15. We differ from the suggestions in the White Paper in two important respects. First, the White Paper suggested (paragraph 24) that the new councils might have a population of at least 40,000 with the possibility of larger populations in certain urban areas and appreciably smaller populations in remote areas. We think that it is better not to prescribe a target figure however qualified and that each area must clearly be looked at in the light of its individual circumstances. Secondly, the White Paper contemplates that burgh councils and rural councils would have identical powers (paragraph 23). There may be a case for distinguishing between their powers in respect of certain services. This will, however, result in a first tier authority levying a different rate in different parts of its area.

16. It has been suggested to us that it would not be inconsistent with the general principle of a two-tier system if the highly congested areas at present concentrated in the largest of the large burghs were to be considered suitable for administration by an all-purpose authority—in effect, for promotion to city status. We make no recommendation on this score meanwhile. It seems to us that this suggestion can only be considered by the Steering Committee when the pattern regarding the allocation of functions and the delineation of boundaries has become much clearer. It would then be necessary to consider the areas in question having regard to the spread of the urban population, the community of interest of the area as a whole and the effect which the creation of a new city would have on neighbouring areas.

17. The position of those small burghs which, unlike those which will become the headquarters of new councils, will cease to be individual units of local government, naturally gives cause for concern. We propose to consider in a later report whether any steps are desirable to ensure that their ancient privileges, dignities, etc., are retained within the new framework. It is not suggested that those burghs which are affected should be required to perform a heroic act of self-immolation; that is not the issue. The proposal is that the burghs should fortify themselves with their neighbours so that in concert they may more effectively discharge the functions appropriate to them.

18. Under the two-tier structure which we recommend the individuality of particular districts will continue in a new and reinforced way in the new burgh

or rural councils. The functions of district councils are at present severely limited by statute but they often undertake duties for the county councils and are consulted by them on local matters. The proposal has been canvassed during our discussion that some form of community council should be retained to represent local opinion. We intend to deal further with this suggestion in a subsequent report.

Elections

19. We recommend that all authorities—both first and second tier—should be directly elected in order to provide a direct link between these authorities and the electorate. The two tiers would exercise separate functions and we do not think that there is any reason which would justify a system of nomination from the second tier to the first tier. There should, however, be no bar to the same person serving on both tiers if he is duly elected. Close consultation would, of course, be required between the two tiers, but we think that this is likely to be more fruitful if it takes place between two authorities independent in their own right.

Rating

20. Under a two-tier system it would be quite feasible for both tiers to be rating authorities or for one tier to proceed by way of requisition. We have not thought it advisable to attempt to reach a final view on this and other matters related to rating until the allocation of functions has been settled.

Allocation of Functions

21. Before suggesting how functions can best be allocated to the respective tiers, we feel bound to mention those services which have been proposed as candidates for transfer from local to central government. There is, for example, a school of thought which would favour the State assuming direct responsibility for education. This is a far-reaching proposal which would have to apply to Great Britain as a whole and we have not thought it our duty to study the argument in a limited Scottish context. It is clear that, as a local authority service, education would be a first-tier function.

22. Arguments of a different order have been put forward to support the proposal that three other services should also become the responsibility of the central government, namely, valuation for rating, weights and measures, and the registration of births, deaths and marriages. The main contention is that the operation of these services is entirely governed by statute and that, while local authorities have no discretion in administering them, they are required to bear the cost. This is a question for political decision with particular reference to the outcome of the review of the financial relationship between central and local government. Meanwhile, we note that no difficulty is seen in assigning valuation and weights and measures to the first tier authorities or in recommending that registration would be appropriate for the second tier.

23. Conversely, opportunities may occur for extending the scope of local authority services in other directions. For example, it is apparent to us that there is room for an expansion of the work undertaken by local authorities in encouraging cultural activities and providing amenities. This would be entirely

consistent with the proposition in the White Paper on Central Scotland that a much more determined effort should be made to improve the attractions of individual areas and to make them more agreeable places in which to live. While local authorities already have some powers to rate for these purposes under the Local Government Acts, it may be that these powers would require strengthening. (In England and Wales a Bill now before Parliament proposes that the present powers regarding libraries, museums and galleries should be supplemented by specified duties). Any extension of these powers might affect the grant structure, particularly general grant. We recommend that the possibility of consolidating the powers of local authorities in relation to culture and amenity and giving them more positive duties in this field should be the subject of further examination and that the financial implications should be borne in mind in the current review of local government finance. Our recommendations regarding libraries, museums and galleries on the basis of existing powers are set out later in this report. Our view would be, however, that any extended powers in relation to culture and amenities could best be exercised by the second tier, in view of the fact that these are essentially community services in which local preferences should have much weight.

24. Subject to these observations, there are, in our view, a number of functions whose allocation to a particular tier leaves no real room for doubt. They are set out in the next two paragraphs.

25. The following functions, which are as much of national as of local importance and which require organisation on a large scale, should, we think, be allotted to the first tier—education, fire, police, river purification and valuation. Remand homes and weights and measures, which do not require local provision to the same extent as many other services, should also be allotted to the first tier.

26. The following services must be administered on as local a basis as possible and should in consequence be allotted to the second tier. Allotments, baths and wash-houses, byelaws (general), cinema licensing, clean air, cleansing, coast protection, community centres, entertainments, factories, shops and offices regulations, flood prevention, housing, physical training and recreation, except for its education authority aspects, public parks, public ways and paths, registration of births, deaths and marriages, slaughterhouses, taxi cab licensing.

27. We come now to those functions where there are conflicting arguments whose resolution is not easy. In the following paragraphs we have set out the arguments *seriatim* and made recommendations or recorded the various views which have been expressed during our discussions. There remain a number of miscellaneous services and we would not claim that our list is exhaustive. It is unlikely, however, that there will be any strong dispute about the remaining functions.

Town and Country Planning

28. The planning of land use is a complex subject with repercussions of great importance at both national and local level. To an increasing degree development plans provide the foundation for regional development and the overhaul of the industrial and economic structure in Scotland. They can, therefore, be most efficiently prepared by first tier authorities. On the other hand, individual planning decisions are matters of intense local interest which should be handled

by authorities with the most intimate knowledge of the circumstances of the area. The execution of development and redevelopment under planning powers is best carried out in the light of detailed local knowledge, although it must be in accordance with a development plan. Against this background, we are impressed by the advantages of dividing the responsibility for administering planning legislation between both tiers and we think that a practicable system can be devised on the following lines.

29. Responsibility for the submission of development plans should be vested in first tier authorities. These plans must be based on targets for population and economic development and on the grouping of major uses and patterns of communication over a wide area. Coordination between the authorities who make the development plans, which is essential if anything in the nature of a national land use plan is to be built up, becomes easier and more effective as the number of authorities is smaller. The preparation of development plans requires highly qualified expert staff who can be most easily employed by a large authority. The concentration of specialist staff among relatively few authorities would also help to overcome the severe shortage of professional manpower in this field which is likely to continue for a long time.

30. Second tier authorities should prepare part plans (including comprehensive development plans) for their own areas on their own initiative where they have the resources to do so. These plans should be endorsed by the first tier authority as amendments or additions to its development plan.

31. When a plan is approved, the carrying out within its framework of development or redevelopment under planning powers should generally be the function of the second tier authority. This may involve the compulsory acquisition of land, re-housing, leasing or disposal of land, and phasing of building work. These are functions which, as a rule, can best be carried out at local level.

32. In some cases, however, these operations may need technical resources beyond those of a second tier authority or they may have to be carried out to a given timetable in order to secure the purposes of the development plan. In such cases the first tier authority should be empowered to carry out the work either by agreement or, in the event of dispute, with the Secretary of State's consent.

33. Day to day control, i.e., the handling of planning applications, appeals, enforcement control, advertising control, building and tree preservation orders, etc., would be the responsibility of second tier authorities. The Secretary of State would continue to be responsible for the approval of development plans and for deciding planning appeals which would generally be lodged against the decisions of second tier authorities, although first tier authorities would be invited to contribute to the written observations on the case. He would also be responsible for resolving any disagreement between the two tiers.

34. To sum up, it is clear that at the two ends of the scale the responsibility for the development plan must remain with the first tier and the responsibility for day to day administration with the second tier. The possibility of conflict, which will arise principally on development and redevelopment, is possibly more apparent than real and the Secretary of State's power to resolve disagreement where it occurs would be operated on the general principle that an authority willing and able to carry out necessary work would be allowed to do so if the alternative was appreciable delay. The bias would, in effect, be in favour of

positive planning. Financial responsibility, including the payment of compensation where necessary, would lie with the authority to whom the planning function was allocated by statute.

Roads

35. The road system falls into three categories. The Secretary of State is responsible for trunk roads and motorways for which county councils and a few large burgh councils act as his agents; county councils and large burgh councils are responsible for classified roads and all town and county councils are responsible for unclassified roads in their areas.

36. It can be argued that, in order to avoid too many authorities being concerned with the main through routes and to avoid the dispersal of technical resources, there is a good case for concentrating all highway powers in the hands of the first tier authorities. This would make possible the creation of a relatively small number of well equipped highway departments able to recruit highly skilled staff and to use them to the best advantage; to keep abreast of rapidly changing technology; to maintain liaison with the police authority; and to give each an area sufficient to ensure that continuity of progress was not hampered—as it can be now—by the incidence of grants spread unevenly among a large number of authorities.

37. This proposal would continue the present arrangements in the landward areas of the existing county councils. In the small burghal areas it would transfer unclassified roads to the first rather than the second tier authority. Overall this would probably be advantageous because of the benefits which would accrue from the greater resources of the county authorities which could without difficulty maintain highway departments sufficient to undertake all the work in their areas.

38. There is, however, no point in disguising that this solution presents difficulties when applied to those second tier authorities which will incorporate the present large burghs. These are authorities which are able to support adequate highway departments now. Their departments are accustomed to deal with classified roads—but not, as a rule, trunk roads—and their work covers a fairly dense network of urban unclassified roads closely linked with housing developments. Under our proposals for the allocation of planning functions, it would fall to these authorities to promote comprehensive development schemes of which, in the Buchanan era, highway developments will be an important integral part. It appears, therefore, that there are strong arguments for allocating to these burgh councils the responsibility for some or all of the roads in their areas.

39. There are a number of other factors to be considered. If all classified and unclassified roads were allocated to the burgh councils, the result would be in some areas to multiply the number of authorities responsible, as the Secretary of State's agents, for trunk roads. It could also happen, that, in these county areas where all the second tier authorities might be burgh councils, the first tier authority would have to maintain a highway department with the sole responsibility of acting as trunk road agents. On the other hand, if the burgh councils are not responsible for classified roads in their area, they would have great difficulty in maintaining a proper complement of technical staff in order to carry out the very restricted function of looking after unclassified roads.

40. The determination of the responsibility for highways is essentially an

exercise in organisational efficiency. It will be clear from the foregoing paragraphs that there is no easy solution, but, in our view, the most effective one would be as follows. Class I roads, which are of prime national importance, should be the responsibility of first tier authorities. In rural council areas all roads and traffic functions should also be allocated to the first tier authority. This should present no problems to them since they will, in any case, have highway departments which will be capable of taking on the additional responsibility for Class III and unclassified roads in those areas. The new burgh councils should be responsible for Class III and unclassified roads and for traffic regulation. We do not think that difficulties arising from the differential rating structure so created and from possible alterations in the grant structure should be insuperable.

41. There remains the question of Class II roads in burgh council areas. It should be possible for Class II roads to be examined and a determination made as to whether particular roads can most appropriately be linked with Class I roads as being roads of national importance (in which case they would be allocated to the first tier) or with Class III roads in the area (where they would fall to the burgh councils).

Health and Welfare

42. Few local authority services are of so personal a nature as those dealing with health and welfare. Their standard of efficiency is of deep interest, both to the public and to members of local authorities.

43. It was strongly argued that the need for an intimate knowledge of local conditions on the part of those who operate these services demanded that they should be the responsibility of the second tier authorities. Reference was made to the importance of avoiding a relatively impersonal method of administration such as might exist in a larger authority, and to the experience and enthusiasm of the smaller existing local health and welfare authorities.

44. Against this, it was claimed that it is becoming increasingly difficult for a local authority which administers a relatively small area and population to maintain an adequately specialised staff for preventive work and research, still less to maintain a staff organisation which has posts offering the opportunities and salary that the most highly qualified men and women in the professions would expect. The hospital service has been on a regional basis since the start of the National Health Service and is accepted without question. Co-operation with the hospital services which is increasingly vital especially in the field of mental health is rendered much more difficult where the area of the local authority and of the hospital board are markedly different. Emphasis was also placed on the desirability of health and welfare services being administered by the same authority as that which is responsible for education.

45. We considered whether it was possible to differentiate between those health and welfare services which could be administered on a local basis and those which called for wide-scale administration. The different services are, however, so closely interlinked that any division of this kind would be regrettable. The same would apply to any possible division between local health services on the one hand and local welfare services on the other. Any division of the services on the lines we have suggested for planning and roads functions would not therefore be desirable.

46. For the present, we cannot report a unanimous view on this question. On the one hand, it has been argued that the tenor of all the professional evidence is that health and welfare services should be entrusted to larger authorities, that is, the first tier. The contrary view has also been emphasised, namely, that it seems very likely that many of the new second tier authorities, particularly the burgh councils in the central belt, will be substantially larger than many of the present large burghs which have already proved themselves capable of running efficient health and welfare services; all the more, therefore, should these new authorities be equal to the task. We have, accordingly, to record that strong reservations on this question have been entered by some of our number.

Food

47. The enforcement of the steadily increasing number of highly technical regulations dealing with food hygiene, food composition, preparation, and labelling, is at present normally carried out by sanitary inspectors. Specialisation in food inspection techniques is hard to achieve under the present arrangements and there would be advantages in some directions in entrusting the enforcement of the Food Code to authorities large enough to employ specialists. A reduction in the number of authorities concerned would promote a greater uniformity in administration and enforcement, the want of which has been particularly apparent in regard to milk legislation.

48. It is however the case that, for the foreseeable future enforcement of the Food Code is likely to remain in the hands of sanitary inspectors. The sanitary inspection service must continue to be the responsibility of the authorities responsible for housing and allied functions, that is, in our view, second tier authorities, and it would follow from this that food functions also should be allotted to second tier authorities.

49. The provision of slaughterhouses could conveniently continue on the more local basis of second tier administration. The practical convenience of slaughterhouse administration and meat inspection being in the hands of the one authority has frequently been stressed. We accordingly recommend that meat inspection too should rest with second tier authorities.

50. Co-operation with the health authority in this as in a number of other fields will remain of the greatest importance. The employment of a separate medical officer of health by second tier authorities would not be justified if health functions are allotted to the first tier, but we think the essential liaison would be secured if each second tier authority engaged, as medical officer of health, the person appointed by the first tier authority to be responsible for their health functions in the area.

Child Care

51. Child care is at present the responsibility of counties and large burghs. In general, the large burghs feel that the care of children is essentially a local matter which should not be administered on a larger scale; in their view also there is a close connection between child welfare work and general welfare work. But the fact that most children's departments are very small (34 out of the 52 have only one or two field staff each) means that it is sometimes uneconomical for them to provide a full range of services, e.g., adequate variety in children's

homes. Furthermore in small departments staff cannot always have the advantage of skilled supervision or even of a second opinion; and over the service in Scotland as a whole there is no proper career structure, since most posts are at about the same level of responsibility and salary.

52. The Scottish Advisory Council on Child Care have recently, in a Report on the Staffing of Local Authority Children's Departments, strongly urged that local authorities in Scotland should consider combining for child care purposes in order to form larger units—on the ground that this would lead to more effective child care work and the more efficient use of staff; in so doing the Advisory Council made the point that larger units need not mean losing the advantages of a local service, since area officers could be retained within the larger organisation.

53. Child care is not a subject which can be considered in isolation; it has close relations with education, with remand homes and with general health and welfare work, and in our view future responsibility for it should be considered in the light of the decision on those functions. We have already referred in paragraph 46 to our division of view on this question.

Water

54. A number of small water authorities at the present time have adequate water undertakings and reserve supplies, but the majority carry only small reserves and many are partially dependent on bulk supplies provided by other authorities. In most cases any significant increase in demand for water can be met only by developing distant and increasingly rare sources of supply on a regional basis. Smaller authorities can rarely possess the financial and technical resources to develop available new sources and modern distribution systems to the best advantage.

55. The post-war trend has consistently been towards the organisation of the water service on the basis of larger areas. County regional schemes have been developed on such a basis as to be capable of supplying burghal areas as well as landward areas, and there has already been a good deal of co-operation both between burgh and county authorities, and between adjoining counties. This tendency was strongly endorsed by the Water Advisory Committee which recommended the formation of six new regional authorities out of the 61 existing water authorities in central Scotland.

56. We recommend that water should be a function of first tier authorities. Joint arrangements between authorities will, however, be required in some cases owing to the size and geographical location of sources of supply.

Sewage Disposal

57. Generally speaking, the provision of sewage disposal facilities is a local problem associated with individual centres of population. There have already been indications, however, of need for existing authorities to combine in providing joint sewer and sewage purification works in the interests of economy and efficiency. It can be expected that the requirements as to standards to be imposed by River Purification Authorities will call for improved sewage treatment facilities and this will involve very heavy expenditure which it might be more

economic to spread over a region than to deal with in costly separate works. Recognising, however, that the second tier authorities may well be larger than the majority of existing burghs and that elsewhere in our report they are envisaged as having development powers under the Planning Acts, we consider that on balance these functions might rest with the second tier authorities.

Building Regulations

58. The purpose of the Building (Scotland) Act 1959 was to enable a uniform and comprehensive building code to replace obsolete legislation and a miscellany of local byelaws. It was envisaged that the regulations, which are due to come into force in June 1964, would be of a fairly detailed nature and allow only slight variation in the circumstances where approval or warrant to build would be granted.

59. The administration of a uniform, technical code involves no questions of local policy. The factors which determine the level at which the regulations should be administered are rather the convenience of applicants in submitting, discussing, and receiving decisions on their proposals, and the calibre of the officials on whom would lie day-to-day responsibility for advising on the regulations, which demand skilled interpretation by suitably qualified technical officers. As regards the convenience of applicants, the situation is similar to the day-to-day administration of town and country planning, which we recommend should be in the hands of second tier authorities. As to staff, second tier authorities as we envisage them should be well able to employ suitable people and, where necessary, to make joint appointments or engage consultants.

60. We accordingly recommend that second tier authorities should be responsible for building functions. The residual functions of Dean of Guild Courts bearing on building control which will not be superseded by the 1959 Act (see the First Schedule to that Act) should also be exercised by second tier authorities. The future of Dean of Guild Courts themselves, which may have further functions, will require special examination.

Civil Defence

61. The operational arrangements for civil defence require co-ordination on a large scale and we think that the main aspects of civil defence, including the organisation of a division of the Civil Defence Corps, should be the responsibility of the first tier authorities. This would have the important advantages that training and operational responsibilities would be concentrated under the same authority, that operational control would generally rest with a single authority instead of a combination of authorities, and that the responsible authorities would be large enough to employ a reasonably high level of staff for training and allied purposes and to cover all the specialist skills required in the Civil Defence Corps.

62. There are, however, certain civil defence functions which rest at present on all authorities, including small burghs, and we consider that generally these should become the responsibility of second tier authorities in view of their responsibility for housing. Examples are billeting and information centres, provision of shelter and demolition and repair services.

63. Libraries, museums and art galleries may at present be provided by burgh councils under the Public Libraries (Scotland) Acts and libraries by education authorities under the Education (Scotland) Act 1962. In consequence some burghs have their own libraries and are also covered by the county library service; in recent years arrangements have been made in most of these instances for the county library service to assist the burgh libraries.

64. We think that for every part of the country there should be one statutory authority for public libraries, museums and art galleries in order to avoid the anomalies which arise from the overlapping of responsibility.

65. Libraries, museums and art galleries are clearly education facilities, and it is arguable that because of this they should be managed by the education authorities. Certainly their administration by the first tier authorities would in some areas of small and scattered population enable a more efficient service to be provided and more specialised staff to be employed, and in all areas would have the advantage that school libraries, which education authorities would in any case continue to provide, and the public libraries could be organised as parts of a single service.

66. Conversely, some of the most extensive and efficient public libraries are at present under burgh council management, and they demonstrate that co-operation between public libraries, museums and art galleries and the various education services provided by the county can be achieved without complete integration under a single authority. At least in compact urban areas, these facilities are in the nature of civic amenities, and should serve local needs and reflect local characteristics. On balance we recommend that wherever possible public libraries, museums and art galleries should be the responsibility of the second tier authorities; but in some rural areas scarcity or sparsity of population may make this difficult, and the service might, by agreement, have to be provided by the first tier authority.

SUMMARY

The main conclusions in this Report can be summarised as follows:

(a) The financial effect of our proposals should be considered when the Allen Report is available: this will be of the greatest significance during the comprehensive review of local government finance (paragraph 4).

(b) Our general view is not in favour of a single tier of all-purpose authorities (paragraph 9).

(c) A dividing line can be drawn between those local authority services which concern the nation as a whole and those which principally concern the localities for which they are provided. This distinction points to a two-tier system (paragraph 10).

(d) The demarcation of boundaries for the new authorities should be examined in the light of decisions on the future structure (paragraph 11).

(e) The first tier should be based broadly on existing county areas, amalgamated or altered as desirable (paragraph 12).

(f) The areas to be administered by the second tier authorities—burgh or rural councils—can be formed from a combination of an area of an existing burgh with the adjacent landward area; or from the grouping of burghs together with the landward area in their vicinity; or from that part of the landward area which is in itself sufficiently populous to support a separate authority. The pattern need not be uniform (paragraph 13).

(g) No target figure of population for the second tier authorities should be prescribed and there may be a case for distinguishing between the powers of burgh and rural councils (paragraph 15).

(h) No recommendation is made meanwhile on the creation of new all-purpose authorities with city status in the areas at present administered by the largest of the large burghs (paragraph 16).

(i) The preservation of the ancient privileges, dignities, etc., of those small burghs which cease to be individual units of local government should be considered in a later report (paragraph 17).

(j) The possibility of retaining some form of community council to represent local opinion should also be considered later (paragraph 18).

(k) All authorities, both first and second tier, should be directly elected (paragraph 19).

(l) No recommendation is made on suggestions for the transfer of certain local authority services to the central government (paragraphs 21–22).

(m) The possibility of giving local authorities more positive duties to encourage cultural activities and provide amenities should be further examined. This function should be exercised by the second tier (paragraph 23).

(n) There are a number of functions whose allocation to the first or second tier leaves no real room for doubt (paragraphs 24–26).

(o) There are conflicting arguments regarding the allocation of the remaining important functions (paragraph 27).

(p) It would be advantageous to divide the responsibility for administering planning legislation between both tiers and a practicable system can be devised (paragraphs 28–34).

(q) Responsibility for Class I roads throughout the country and for all highway functions in the areas administered by rural councils should be allocated to the first tier. The burgh councils should be allocated responsibility for Class III and unclassified roads. Class II roads should be examined with a view to allocating them to the burgh councils unless they are more appropriately linked with Class I roads as being of national importance (paragraphs 40–41).

(r) Health and welfare services should not be divided between the two tiers, but there is a divergence of view as to which tier could best undertake their administration (paragraph 46).

(s) Food functions, slaughterhouses and meat inspection should be allocated to the second tier (paragraphs 48–49).

(t) The responsibility for child care should be considered in the light of the decision regarding related functions (paragraph 53).

(u) The water service should be undertaken by first tier authorities but joint

arrangements will be required owing to the size and geographical location of sources of supply (paragraph 56).

(v) Sewage disposal should be a function of second tier authorities (paragraph 57).

(w) Second tier authorities should be responsible for building functions, and the future of Dean of Guild Courts will require special examination (paragraph 60).

(x) The main aspects of civil defence, including the organisation of a division of the Civil Defence Corps, should be the responsibility of the first tier, but there are other functions which should be allocated to the second tier (paragraphs 61-62).

(y) Wherever possible, public libraries, museums and art galleries should be the responsibility of the second tier (paragraph 66).